

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Pamela Dittmar,

Case No.: 2:17-cv-02916-JAD-BNW

Plaintiff

V.

City of North Las Vegas,

Defendant

Order Amending Court's Ruling Resolving Defendant's Objections to Designated Deposition Testimony

[ECF No. 186]

8 During today's pretrial conference, plaintiff Pamela Dittmar's counsel argued that
9 defendant City of North Las Vegas had waived many of its objections to the designated
10 deposition testimony of Dr. Qiong Liu. After reviewing Federal Rule of Civil Procedure
11 32(d)(3) and the deposition transcript, the court hereby revises and provides amended rulings in
12 light of the fact that the City did waive many of its objections by failing to raise them at Dr.
13 Liu's deposition.

U.S. District Judge Jennifer A. Dorsey
February 5, 2024

1 KAMER ZUCKER ABBOTT
 2 R. Todd Creer #10016
 3 Kaitlin H. Paxton #13625
 4 6325 South Jones Boulevard, Suite 300
 5 Las Vegas, Nevada 89102-1990
 Tel: (702) 259-8640
 Fax: (702) 259-8646
 tcreer@kzalaw.com
 kpaxton@kzalaw.com

6 Attorneys for Defendant
 City of North Las Vegas

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 PAMELA DITTMAR,)	Case No. 2:17-cv-02916-JAD-BNW
)	
10 Plaintiff,)	COURT'S AMENDED RULING ON
)	<u>DEFENDANT CITY OF NORTH LAS</u>
11 vs.)	<u>VEGAS'S OBJECTIONS TO</u>
)	<u>PLAINTIFF'S TRANSCRIPT</u>
12 CITY OF NORTH LAS VEGAS, a municipal)	<u>DESIGNATIONS FOR QIONG LIU'S</u>
corporation,)	<u>FEBRUARY 26, 2019 DEPOSITION</u>
)	
13 Defendant.)	
14)	

15 Pursuant to the Court's January 17, 2024 Order Regarding Trial [ECF No. 163], Defendant
 16 City of North Las Vegas ("the City" or "Defendant"), by and through its counsel of record, the law
 17 firm of Kamer Zucker Abbott, submits the following objections to Plaintiff Pamela Dittmar's
 18 deposition designations for former City Manager for Defendant Qiong Liu [ECF No. 178].

19 As raised in the City's Transcript Designations for Qiong Liu's Deposition [ECF No. 169] and
 20 its Trial Brief [ECF No. 168], Defendant objects to the submission of Liu's deposition transcript at
 21 trial, as Plaintiff's sole reason for requesting the trial be continued from its September 2023 date was
 22 due to Liu's unavailability for the entire month of September, and Liu's designation by Plaintiff as her
 23 "key witness." If, in fact, Liu never intended to make herself available for the trial while residing out
 24 of state, the trial was unnecessarily delayed. Defendant has been prejudiced by that delay, resulting in

1 additional costs for trial preparation. **OVERRULED as stated on the record 2/5/24.**

2 Further, Plaintiff's designations should be excluded from trial because she missed the filing
3 deadline of Monday, January 29, 2024 at 12:00 p.m. by more than a day. Indeed, Plaintiff's
4 designations were not filed until Tuesday, January 30, 2024 at 9:37 p.m. The parties were expressly
5 cautioned in the Order Regarding Trial that failure to provide the designations by the deadline could
6 result in exclusion of the testimony from trial. ECF No. 163 at 2-3. Further, such delay resulted in
7 Defendant having significantly less time to review the designations and prepare these objections.

8 **OVERRULED as stated on the record 2/5/24.**

9 Notwithstanding Defendant's general concerns with the use of Liu's deposition testimony
10 at trial, Defendant offers the following objections to Plaintiff's designations:

- 11 1. P. 15, ll. 13-15 – Leading; **OVERRULED (waived)**
- 12 2. P. 15, ll. 16-18 – Asked and Answered; **OVERRULED (waived)**
- 13 3. P. 15, l. 19 through p. 16, l. 6 – Leading; **OVERRULED (waived)**
- 14 4. P. 18, l. 22 through p. 19, l. 1 – Improper characterization of evidence;
OVERRULED
- 15 5. P. 19, ll. 2-8 – Leading; **OVERRULED (waived)**
- 16 6. P. 19, ll. 9-21 – Leading; improper characterization of evidence; calls for legal
conclusion; **OVERRULED (waived)**
- 17 7. P. 20, ll. 5-8 – Improper characterization of evidence; **OVERRULED (waived)**
- 18 8. P. 20, ll. 9-24 – Leading; improper characterization of evidence; calls for legal
conclusion; **OVERRULED (waived)**
- 19 9. P. 20, l. 25 through p. 21, l. 2 – Leading; misstates testimony; **OVERRULED**
(waived)
- 20 10. P. 22, ll. 19-21 – Leading, asked and answered; **OVERRULED (waived)**
- 21 11. P. 23, ll. 3-7 – Hearsay within hearsay; **SUSTAINED**
- 22 12. P. 23, ll. 13-14 – Hearsay; **SUSTAINED**
- 23 13. P. 23, ll. 15-19 – Hearsay within hearsay; **SUSTAINED**

14. P. 23, l. 23 through P. 24, l. 12*¹ - Leading; calls for speculation; argumentative; **OVERRULED (waived)**

15. P. 24, ll. 14-18 – Incomplete designation that lacks a question; calls for speculation;
OVERRULED (waived)

16. P. 24, ll. 19-24 – Leading; argumentative; **OVERRULED (waived)**

17. P. 25, ll. 6-13 – Unresponsive; **OVERRULED (waived)**

18. P. 26, l. 21 through 27, l. 4 – Unresponsive **WAIVED**; hearsay **OVERRULED**

19. P. 27, ll. 5-9 – Leading; **OVERRULED (waived)**

20. P. 27, l. 23 through p. 28, l. 19 – Hearsay; **OVERRULED**

21. P. 29, 7 through p. 30, l. 9 – Unresponsive; **OVERRULED (waived)**

22. P. 30, l. 24 through p. 31, l. 21 – Leading; argumentative; **OVERRULED (waived)**

23. P. 32, l. 21 through p. 33, l. 7 – Speculative **WAIVED**; irrelevant **OVERRULED**

24. P. 33, ll. 19-25 – Lacks foundation, assumes facts not in evidence; **SUSTAINED**

25. P. 34, ll. 5-13 – Leading, calls for speculation; **OVERRULED (waived)**

26. P. 35, ll. 14-15 – Hearsay; **SUSTAINED**

27. P. 36, l. 20 through p. 37, l. 3 – Unresponsive; **OVERRULED (waived)**

28. P. 37, ll. 8-10 – Misstates testimony; leading; **OVERRULED (waived)**

29. P. 37, ll. 12-21 – Unresponsive; **OVERRULED (waived)**

30. P. 37, l. 22 through p. 38, l. 4 – Leading; **OVERRULED (waived)**

31. P. 38, ll. 5-12 – Leading; calls for legal conclusion; argumentative; improper characterization of evidence; **SUSTAINED (calls for legal conclusion)**

32. P. 39, ll. 4-9 – Leading, misstates testimony; **OVERRULED (waived)**

33. P. 39, ll. 19-23 – Unresponsive; **OVERRULED (waived)**

34. P. 39, l. 24 through p. 40, l. 3 – Irrelevant **OVERRULED**; speculative **WAIVED**

¹ Plaintiff's list of designations does not include all of the lines highlighted in Plaintiff's accompanying transcript. To the extent she intended to include the additional highlighted lines, Defendant includes objections to certain lines.

- 1 35. P. 40, ll. 4-12 – Unresponsive; speculative; **OVERRULED (waived)**
- 2 36. P. 40, ll. 13-19 – Leading; **OVERRULED (waived)**
- 3 37. P. 40, l. 20 through p. 41, l. 1 – Speculative; **OVERRULED (waived)**
- 4 38. P. 41, ll. 1-4 – Leading; **OVERRULED (waived)**
- 5 39. P. 42, l. 24 through 43, l. 4 – Leading; calls for a legal conclusion; improper
6 characterization of evidence; **OVERRULED (waived)**
- 7 40. P. 43, ll. 12-13 – Unresponsive; **OVERRULED (waived)**
- 8 41. P. 43, l. 24 through p. 44, l. 14 – Leading; misstates testimony; **OVERRULED
9 (waived)**
- 10 42. P. 45, ll. 1-13 – Leading; speculative; **OVERRULED (waived)**
- 11 43. P. 47, ll. 4-9 – Leading; **OVERRULED (waived)**
- 12 44. P. 47, ll. 10-19 – Calls for speculation; **SUSTAINED**
- 13 45. P. 47, ll. 20-22 – Leading; argumentative; **OVERRULED (waived)**
- 14 46. P. 48, ll. 3-11 – Hearsay; asked and answered; **OVERRULED**
- 15 47. P. 48, ll. 12-21 – Leading; **OVERRULED (waived)**
- 16 48. P. 49, ll. 5-20 – Misstates testimony; speculative; **OVERRULED**
- 17 49. P. 49, ll. 21-24 – Leading; **OVERRULED (waived)**
- 18 50. P. 49, l. 25 through p. 50, l. 6 – Calls for speculation; **OVERRULED (waived)**
- 19 51. P. 50, l. 19 through p. 51, l. 9 – Hearsay; speculative; **OVERRULED (waived)**
- 20 52. P. 51, ll. 20-21 – Speculative; **SUSTAINED**
- 21 53. P. 53; ll. 10-21 – Irrelevant; unresponsive; hearsay; **OVERRULED**
- 22 54. P. 55, ll. 6-11 – Incomplete designation that is lacking the question for context;
23 speculative; **OVERRULED (waived)**
- 24 55. P. 55, ll. 12-13 – Attorney is testifying for the witness; **OVERRULED (waived)**
56. P. 55, ll. 14-19 – Speculative; **OVERRULED (waived)**

- 1 57. P. 56, ll. 6-10 – Leading, argumentative; **OVERRULED (waived)**
- 2 58. P. 57, ll. 1-4 – Unresponsive; **OVERRULED (waived)**
- 3 59. P. 58, ll. 14-17 – Compound; Leading; **OVERRULED (waived)**
- 4 60. P. 58, l. 18 through p. 60, l. 6 – Unresponsive; **OVERRULED (waived)**
- 5 61. P. 61, ll. 2-11 – Leading; calls for speculation; **SUSTAINED**
- 6 62. P. 61, ll. 16-21 – Leading; unresponsive; **OVERRULED (waived)**
- 7 63. P. 62, ll. 1-6 – Calls for speculation; **OVERRULED (waived)**
- 8 64. P. 62, 7-19 – Leading; unresponsive; speculative; assumes facts not in evidence; **OVERRULED (waived)**
- 9 65. P. 62, l. 20 through p. 63, l. 6 – Leading; speculative; assumes facts not in evidence; **SUSTAINED as to 62:20 - 63:2 (calls for speculation); OVERRULED as to rest.**
- 10 66. P. 63, l. 14 through p. 64, l. 2 – Calls for speculation; asked and answered; **OVERRULED (waived)**
- 11 67. P. 64, ll. 10-16 – Leading; **OVERRULED (waived)**
- 12 68. P. 65, l. 22 through p. 66, l. 7 – Leading; **OVERRULED (waived)**
- 13 69. P. 67, l. 22 through p. 68, l. 11 – Unresponsive; **OVERRULED (waived)**
- 14 70. P. 68, ll. 16-19 – Unresponsive; **OVERRULED (waived)**
- 15 71. P. 68, l. 20 through p. 69, l. 7 – Leading; **OVERRULED (waived)**
- 16 72. P. 69, ll. 15-25 – Hearsay within hearsay; speculative; **SUSTAINED as to hearsay**
- 17 73. P. 70, ll. 3-10 – Leading, calls for legal conclusion; calls for speculation; **SUSTAINED (calls for legal conclusion)**
- 18 74. P. 70, ll. 14-22 – Unresponsive; **OVERRULED (waived)**
- 19 75. P. 70, l. 23 through p. 71, l. 8 – Leading; **OVERRULED (waived)**
- 20 76. P. 71, ll. 9-13 – Leading; calls for legal conclusion; **SUSTAINED (calls for legal conclusion)**
- 21 77. P. 71, l. 14 through p. 72, l. 21 – Leading; **OVERRULED (waived)**
- 22 78. P. 72, l. 23 through p. 73, l. 9 – Unresponsive; **OVERRULED (waived)**
- 23 79. P. 73, ll. 10-21 – Irrelevant; hearsay; **SUSTAINED**
- 24 80. P. 73, l. 22 through p. 75, l. 22 – Assumes facts not in evidence; calls for speculation;

1 unresponsive; hearsay; **SUSTAINED (calls for legal conclusion)**

2 81. P. 75, l. 23 through p. 76, l. 5 – Hearsay; **OVERRULED**

3 82. P. 76; ll. 6-7 – Unresponsive; **OVERRULED (waived)**

4 83. P. 77, l. 7 through p. 78, l. 8 – Topic of spoliation subject to dispute argued within trial briefs;
5 irrelevant; more prejudicial than probative; **OVERRULED**

6 84. P. 79, ll. 2-12 – Hearsay; **SUSTAINED**

7 85. P. 80, ll. 15-25 – Hearsay; leading; lacks foundation; more prejudicial than probative;
OVERRULED

8 86. P. 81, ll. 12-20 – Hearsay; leading; **SUSTAIN (hearsay)**

9 87. P. 83, ll. 1-11 – Hearsay within hearsay; **OVERRULED**

10 88. P. 83, l. 22 through p. 84, l. 6 – Hearsay; leading; irrelevant; speculative; in violation of the
11 order on motion in limine as it is lacking presentation of proof **SUSTAINED as to 84:4-6**
12 **(calls for speculation); OVERRULED &/or waived as to rest**

13 89. P. 84, l. 20 through p. 85, l. 5 – Hearsay; leading; irrelevant; speculative; in violation of the
14 order on motion in limine as it is lacking presentation of proof; **OVERRULED**

15 90. P. 85, l. 24 through p. 86, l. 3 – Hearsay **OVR**; leading/lacks foundation **WAIVED**

16 91. P. 88, l. 22 through p. 89, l. 3 – Hearsay; leading; irrelevant; speculative; in violation of the
17 order on motion in limine as it is lacking presentation of proof and references the EMRB
18 transcript; lacks foundation from prior lines that are also in violation; **SUSTAINED based**
on MIL ruling

19 92. P. 90, l. 19 through p. 91, l. 6 – Calls for speculation; leading; assumes facts not in
20 evidence; unresponsive; **SUSTAINED (calls for speculation/assumes facts)**

21 93. P. 91, ll. 18-23 – Calls for speculation; **SUSTAINED**

22 94. P. 94, ll. 14-22 – Unresponsive; speculative; **OVERRULED (waived)**

23 95. P. 99, ll. 16-23 – Speculative **WAIVED**; hearsay **OVERRULED**

24 96. P. 109, l. 20 through p. 110, l. 25 – Unresponsive; **OVERRULED (waived)**

97. P. 111, l. 17 through p. 112, l. 24 – Unresponsive; **OVERRULED as to 111:17 - 112:3;**
WAIVED as to rest

98. P. 118, l. 8 through 119, l. 8 – Unresponsive; speculative; **OVERRULED (waived)**

99. P. 124, l. 23 through p. 125, l. 2 – Unresponsive; in violation of the order on motion in limine as it is lacking presentation of proof **OVERRULED**

100. P. 126, l. 19 through p. 127, l. 3 – Unresponsive; **OVERRULED (waived)**

101. P. 130, l. 131, l. 18 – Unresponsive; **OVERRULED (no line number given for start of range)**

102. P. 136, l. 12-21 – Compound; leading; **OVERRULED (waived)**

DATED this 2nd day of February, 2024.

Respectfully submitted,

KAMER ZUCKER ABBOTT

By: /s/Kaitlin H. Paxton
R. Todd Creer #10016
Kaitlin H. Paxton #13625
6325 South Jones Boulevard, Suite 300
Las Vegas, Nevada 89118
Tel: (702) 259-8640
Fax: (702) 259-8646

Attorneys for Defendant
City of North Las Vegas